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2686

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/099,640

Applicant(s)

NAJAFI, HAMID

Examiner

Olivia Marsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-12,14-22 and 24-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-12,14-22 and 24-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. **Claims 1, 3, 5-8, 10-12, 14, 16-19, and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Beeson *et al.* (U.S. 6,038,438) in view of Eagleson *et al.* (U.S. 6,765,484).

As to **claim 1**, Beeson teaches a mobile telephone system (10) comprising an emergency beacon capable mobile phone (24) (column 3, lines 41-44) and a base radio transceiver (30) that receives emergency calls on radio wave (28) from mobile phone (24) (column 3, lines 49-50). Beeson also teaches mobile phone (24) receiving an emergency beacon activation signal (column 7, lines 26-27), reading on claimed "receiving, from a source, a first message having a first beacon activation command," and activating a beacon in response to the activation signal (column 7, lines 28-29), reading on claimed "activating a beacon per the command."

However, Beeson fails to teach embedding location information of a wireless phone into a beacon.

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In an analogous art, Eagleson teaches beacon tag (12) embedding a signpost code (93), reading on claimed "location information," within word (81) (column 7, lines 15-19). The signpost code (93) is identical to the signpost code (42) last received from a signpost (11) (column 7, lines 15-19; column 4, lines 21-24). Eagleson also teaches, in Figure 7, a reader (261) receives a beacon signal (282) from a beacon tag (271) that receives signpost signals (281) from signpost (241) (column 13, lines 41-43). The beacon signal (282) contains the signpost code of the signpost (241) (column 12, line 46-48) and the reader (261) can determine the current location of the beacon tag (271) since the reader (261) knows the physical location of the signpost (241) and the beacon tag (271) is in the transmission range of signpost (241) (column 13, lines 53-57).

It would have been obvious to one of ordinary skill in the art at the time invention develop a method to be performed in a wireless phone comprising receiving a beacon activation command and activating a beacon per the command, as taught by Beeson, and further requiring the method to comprise the step of embedding location information of the wireless phone into the beacon, as taught by Eagleson, to remotely obtain location information of a wireless user who is incapable of initiating the transmission of the beacon.

As to **claim 3**, Beeson and Eagleson teach everything claimed as applied to claim 1; however, Beeson fails to teach receiving, from a source, a first message having a first beacon activation command and activating a beacon and sending a message having a location information per the command.

Eagleson teaches, as stated previously, in Figure 7, a reader (261), reading on claimed "source," receives a beacon signal (282) comprising word (81), reading on claimed "message," from a beacon tag (271) that receives signpost signals (281) from signpost (241) (column 13, lines 41-43). The beacon signal (282) contains the signpost code of the signpost (241) (column

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12, line 46-48) and the reader (261) can determine the current location of the beacon tag (271) since the reader (261) knows the physical location of the signpost (241) and the beacon tag (271) is in the transmission range of signpost (241) (column 13, lines 53-57).

It would have been obvious to one of ordinary skill in the art at the time of invention was made to further require the method, taught by Beeson and Eagleson, to send a message having location information to the sources, also taught by Eagleson, to ensure the location information is efficiently received by the requesting source.

As to **claim 5**, Beeson and Eagleson disclose everything as applied to claim 1; however, Beeson does not disclose the first beacon activation command includes beacon parameters.

Eagelson also teaches a tag command field (43), in word (36) of signpost signal (24), is a 2-bit field which is used to instruct a beacon tag (12) to either turn itself off, on, operate at a fast beacon rate, or operate at a slow beacon rate (see column 11, lines 58-67), reading on claimed "beacon parameters."

It would have been obvious to one of ordinary skill in the art at the time invention was made to further require the method, taught by Beeson and Eagleson, to provide the beacon activation command to contain beacon parameters, also taught by Eagleson, to ensure a beacon signal from wireless user requesting emergency assistance can be aided in any various situation.

As to **claim 6**, Beeson and Eagleson teach everything as applied to claim 1 and Eagleson teaches everything as applied claim 5; however, Beeson fails to teach receiving a second message having a second beacon activation command, the second beacon activation command having different parameters than the first beacon activation command.

Eagelson further teaches the beacon tag can receive multiple beacon activation commands in succession and each command can possess different parameters (Figures 4 & 5).

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Eagleson also reveals that the beacon tag can change the parameters of the beacon signal based on the parameters received by the activation command (see column 12, lines 19-22).

It would have been obvious to one of ordinary skill in the art at the time of invention was made to further require the method, taught by Beeson and Eagleson, a first beacon activation command with beacon parameters, as taught by Eagleson, to have a second beacon activation command with differing parameters from the first beacon activation command, also taught by Eagleson, to provide the capability of remotely changing the characteristics of a wireless phone's beacon in the instance the wireless user is unable to alter these characteristics.

As to **claim 7**, Beeson and Eagleson teach everything as applied to claim 1 and Eagleson teaches everything as applied to claims 5-6; however, Beeson fails to teach the beacon parameters include beacon power, beacon cadence, and beacon duration.

Eagleson further teaches a beacon activation command from within a signpost command that may instruct the beacon tag to adjust the tag's beacon transmit power, frequency, and period (see column 12, lines 19-22). Eagleson provides an example of the varying levels in Figure 4. Examiner has interpreted cadence as frequency and duration as period.

It would have been obvious to one of ordinary skill in the art at the time invention was made to further require the method, taught by Beeson and Eagleson, accepting a second beacon command with different parameters, as taught by Eagleson, and further requiring the beacon parameters include beacon power, beacon cadence, and beacon duration, also taught by Eagleson, to provide the capability of remotely ensuring that the wireless phone's beacon can be optimally received by a requesting user.

As to **claim 8**, Beeson and Eagleson teach everything as applied to claim 1; however, Beeson does not disclose using default beacon parameters if the beacon activation command does not include parameters.

Eagleson also teaches if a beacon tag does not receive a signpost signal or the signal does not contain a command, then the tag by default sends a beacon signal based on default parameters that consist of omitting information normally obtained from a signpost command (column 7, lines 54-60), reading on claimed "activating uses default beacon parameters if the beacon activation command does not include parameters.

It would have been obvious to one of ordinary skill in the art at the time invention was made to further require the method, taught by Beeson and Eagleson, to use default beacon parameters if the beacon activation command does not include parameters, also taught by Eagleson, to provide a wireless phone to send a beacon signal despite not receiving commands from an beacon activation source.

As to **claim 10**, Beeson and Eagleson teach everything as applied in claim 1 and Beeson further teaches the first message received includes a SMS text message (see column 6, lines 1-3 and column 5 lines 30-33), reading on claimed "first message includes a SMS text message."

As to **claim 11**, Beeson teaches a mobile telephone system (10) comprising an emergency beacon capable mobile phone (24) (column 3, lines 41-44), reading on claimed "wireless phone," and a base radio transceiver (30) that receives emergency calls on radio wave (28) from mobile phone (24) (column 3, lines 49-50). Beeson also teaches mobile phone (24) comprises a transceiver (54) for receiving an activation signal (column 4, lines 56-57), reading on claimed "means for receiving, from a source, a first message having a first beacon activation command," and a microprocessor (50) that enables generation and transmission of the

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emergency radio beacon by transceiver (54), reading on claimed "means for activating a beacon per the command," in response to receipt of emergency beacon activation signal (column 4, lines 49-52).

However, Beeson fails to teach a means for embedding location information of the wireless phone into the beacon.

In an analogous art, Eagleson teaches beacon tag (12) comprises a receiver (62) that receives signpost signals (24) from signpost (11) (column 5, line 67; column 6, line 1) and microcontroller (63) that can transmit beacon signals (72) to a reader (13) (column 6, lines 20-21). The microcontroller (63), reading on claimed "means for embedding," receives the information contained in signpost signal (24), including the signpost code (42), reading on claimed "location information," from receiver (62) (column 6, lines 2-5). Eagleson also teaches embedding a signpost code (93) within word (81) (column 7, lines 15-19). The signpost code (93) is identical to the signpost code (42) last received from a signpost (11) (column 7, lines 15-19; column 4, lines 21-24). Eagleson also teaches, in Figure 7, a reader (261) receives a beacon signal (282) from a beacon tag (271) that receives signpost signals (281) from signpost (241) (column 13, lines 41-43). The beacon signal (282) contains the signpost code of the signpost (241) (column 12, line 46-48) and the reader (261) can determine the current location of the beacon tag (271) since the reader (261) knows the physical location of the signpost (241) and the beacon tag (271) is in the transmission range of signpost (241) (column 13, lines 53-57).

It would have been obvious to one of ordinary skill in the art at the time invention develop a wireless phone comprising means for receiving a message having a beacon activation command and means for activating a beacon per the command, as taught by Beeson, and further requiring the wireless phone possess means for embedding location information of



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the wireless phone into the beacon, as taught by Eagleson, to provide a means for remotely locating a wireless phone in distress.

As to **claim 12**, Beeson teaches a mobile telephone system (10) comprising an emergency beacon capable mobile phone (24) (column 3, lines 41-44), reading on claimed "wireless phone," and a base radio transceiver (30) that receives emergency calls on radio wave (28) from mobile phone (24) (column 3, lines 49-50). The emergency beacon capable mobile phone (24) is controlled by microprocessor (50) (column 4, lines 38-39; Figure 2), reading on claimed "computer readable medium." It is inherent that a microprocessor would possess instructions to control all functions of the mobile phone (24). Beeson also teaches mobile phone (24) comprises a transceiver (54) for receiving an activation signal (column 4, lines 56-57), reading on claimed "receiving, from a source, a first message having a first beacon activation command," and the microprocessor (50) that enables generation and transmission of the emergency radio beacon by transceiver (54), reading on claimed "activating a beacon per the command," in response to receipt of emergency beacon activation signal (column 4, lines 49-52).

However, Beeson fails to teach embedding location information of the wireless phone into the beacon.

In an analogous art, Eagleson teaches beacon tag (12) comprises a receiver (62) that receives signpost signals (24) from signpost (11) (column 5, line 67; column 6, line 1) and microcontroller (63) that can transmit beacon signals (72) to a reader (13) (column 6, lines 20-21). The microcontroller (63) receives the information contained in signpost signal (24), including the signpost code (42), reading on claimed "location information," from receiver (62) (column 6, lines 2-5). Eagleson also teaches embedding a signpost code (93) within word (81) (column 7, lines 15-19). The signpost code (93) is identical to the signpost code (42) last

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received from a signpost (11) (column 7, lines 15-19; column 4, lines 21-24). Eagleson also teaches, in Figure 7, a reader (261) receives a beacon signal (282) from a beacon tag (271) that receives signpost signals (281) from signpost (241) (column 13, lines 41-43). The beacon signal (282) contains the signpost code of the signpost (241) (column 12, line 46-48) and the reader (261) can determine the current location of the beacon tag (271) since the reader (261) knows the physical location of the signpost (241) and the beacon tag (271) is in the transmission range of signpost (241) (column 13, lines 53-57).

It would have been obvious to one of ordinary skill in the art at the time invention develop a computer readable medium for storing instructions to cause a wireless phone to perform a method comprising receiving, from a source, a first message having a beacon activation command and activating a beacon per the command, as taught by Beeson, and further requiring embedding location information of the wireless phone into the beacon, as taught by Eagleson, for remotely locating a wireless phone in distress.

As to **claim 14**, Beeson and Eagleson teach everything claimed as applied to claim 12; however, Beeson fails to teach receiving, from a source, a first message have a first beacon activation command and activating a beacon and sending a message having a location information per the command.

Eagleson teaches, in Figure 7, a reader (261), reading on claimed "source," receives a beacon signal (282) comprising word (81), reading on claimed "message," from a beacon tag (271) that receives signpost signals (281) from signpost (241) (column 13, lines 41-43). The beacon signal (282) contains the signpost code of the signpost (241) (column 12, line 46-48) and the reader (261) can determine the current location of the beacon tag (271) since the reader (261) knows the physical location of the signpost (241) and the beacon tag (271) is in the transmission range of signpost (241) (column 13, lines 53-57).

It would have been obvious to one of ordinary skill in the art at the time of invention was made to further require the computer readable medium, taught by Beeson and Eagleson, to send a message having location information to the sources, also taught by Eagleson, to ensure the location information is efficiently received by the requesting source.

As to **claim 16**, Beeson and Eagleson disclose everything as applied to claim 12; however, Beeson does not teach the first beacon activation command includes beacon parameters.

Eagleson also teaches a tag command field (43), in word (36) of signpost signal (24), is a 2-bit field which is used to instruct a beacon tag (12) to either turn itself off, on, operate at a fast beacon rate, or operate at a slow beacon rate (see column 11, lines 58-67), reading on claimed "beacon parameters."

It would have been obvious to one of ordinary skill in the art at the time invention was made to further require the computer readable medium, taught by Beeson and Eagleson, to provide the beacon activation command to contain beacon parameters, also taught by Eagleson, to ensure a beacon signal from wireless user requesting emergency assistance can be aided in any various situation.

As to **claim 17**, Beeson and Eagleson teach everything as applied to claim 12 and Eagleson teaches everything as applied claim 16; however, Beeson fails to teach receiving a second message having a second beacon activation command, the second beacon activation command having different parameters than the first beacon activation command.

Eagleson further teaches the beacon tag can receive multiple beacon activation commands in succession and each command can possess different parameters (Figures 4 & 5). Eagleson also reveals that the beacon tag can change the parameters of the beacon signal based on the parameters received by the activation command (see column 12, lines 19-22).

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It would have been obvious to one of ordinary skill in the art at the time of invention was made to further require the computer-readable medium, taught by Beeson and Eagleson, a first beacon activation command with beacon parameters, as taught by Eagleson, to have a second beacon activation command with differing parameters from the first beacon activation command, also taught by Eagleson, to provide the capability of remotely changing the characteristics of a wireless phone's beacon in the instance the wireless user is unable to alter these characteristics.

As to **claim 18**, Beeson and Eagleson teach everything as applied to claim 12 and Eagleson teaches everything as applied to claims 16-17; however, Beeson fails to teach the beacon parameters include beacon power, beacon cadence, and beacon duration.

Eagleson further teaches a beacon activation command from within a signpost command that may instruct the beacon tag to adjust the tag's beacon transmit power, frequency, and period (see column 12, lines 19-22). Eagleson provides an example of the varying levels in Figure 4. Examiner has interpreted cadence as frequency and duration as period.

It would have been obvious to one of ordinary skill in the art at the time invention was made to further require the computer-readable medium, taught by Beeson and Eagleson, accepting a second beacon command with different parameters, as taught by Eagleson, and further requiring the beacon parameters include beacon power, beacon cadence, and beacon duration, also taught by Eagleson, to provide the capability of remotely ensuring that the wireless phone's beacon can be optimally received by a requesting user.

As to **claim 19**, Beeson and Eagleson teach everything as applied to claim 12; however, Beeson does not teach using default beacon parameters if the beacon activation command does not include parameters.

Eagleson also teaches if a beacon tag does not receive a signpost signal or the signal does not contain a command, then the tag by default sends a beacon signal based on default parameters that consist of omitting information normally obtained from a signpost command (column 7, lines 54-60), reading on claimed "activating uses default beacon parameters if the beacon activation command does not include parameters."

It would have been obvious to one of ordinary skill in the art at the time invention was made to further require the method, taught by Beeson and Eagleson, to use default beacon parameters if the beacon activation command does not include parameters, also taught by Eagleson, to provide a wireless phone to send a beacon signal despite not receiving commands from an beacon activation source.

As to **claim 21**, Beeson and Eagleson teach everything as applied in claim 12 and Beeson further teaches the first message received includes a SMS text message (see column 6, lines 1-3 and column 5 lines 30-33), reading on claimed "first message includes a SMS text message."

3. **Claims 22, 24, 26-29, and 31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Beeson (U.S. 6,038,438) in view of Eagleson (U.S. 6,765,484) and further in view of Neher (U.S. Patent 6,362,778).

As to **claim 22**, Beeson teaches a mobile telephone system (10) comprising an emergency beacon capable mobile phone (24) (column 3, lines 41-44), reading on claimed "wireless phone," and a base radio transceiver (30) that receives emergency calls on radio wave (28) from mobile phone (24) (column 3, lines 49-50). Beeson also teaches mobile phone (24) comprises a transceiver (54), reading on claimed "wireless transceiver," for receiving an activation signal (column 4, lines 56-57) coupled to a microprocessor (50) (Figure 2), reading on

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claimed "a communication engine, communicatively coupled to a wireless transceiver, capable to receive, from a source, a first message having a first beacon activation command" that enables generation and transmission of the emergency radio beacon by an emergency radio beacon signal generator (60), reading on claimed "beacon engine," and transceiver (54) in response to receipt of emergency beacon activation signal (column 4, lines 49-52), reading on claimed "a beacon engine, communicatively coupled to the communications engine and to the transceiver, capable to transmit a beacon via the transceiver upon receipt of the first message having a beacon activation command."

However, Beeson fails to teach the emergency beacon signal generator (60) further capable of embedding location information of the wireless phone into the beacon.

In an analogous art, Eagleson teaches beacon tag (12) comprises a receiver (62) that receives signpost signals (24) from signpost (11) (column 5, line 67; column 6, line 1) and microcontroller (63) that can transmit beacon signals (72) to a reader (13) (column 6, lines 20-21). The microcontroller (63) receives the information contained in signpost signal (24), including the signpost code (42), reading on claimed "location information," from receiver (62) (column 6, lines 2-5). Eagleson also teaches embedding a signpost code (93) within word (81) (column 7, lines 15-19). The signpost code (93) is identical to the signpost code (42) last received from a signpost (11) (column 7, lines 15-19; column 4, lines 21-24). Eagleson also teaches, in Figure 7, a reader (261) receives a beacon signal (282) from a beacon tag (271) that receives signpost signals (281) from signpost (241) (column 13, lines 41-43). The beacon signal (282) contains the signpost code of the signpost (241) (column 12, line 46-48) and the reader (261) can determine the current location of the beacon tag (271) since the reader (261) knows the physical location of the signpost (241) and the beacon tag (271) is in the transmission range of signpost (241) (column 13, lines 53-57).

It would have been obvious to one of ordinary skill in the art at the time invention develop a wireless phone comprising a communication engine, communicatively coupled to a wireless transceiver, capable to receive, from a source, a first message having a first beacon activation command and a beacon engine, communicatively coupled to the communications engine and to the transceiver, capable to transmit a beacon via the transceiver upon receipt of the first message having a beacon activation command, as taught by Beeson, and further require the beacon engine to be capable of embedding location information of the wireless phone into the beacon, as taught by Eagleson, to provide a means for remotely locating a wireless mobile user in distress.

However, Beeson and Eagleson fail to teach a wireless phone comprising location determining device.

In an analogous art, Neher teaches a GPS receiver (70), reading on claimed "location determining device," is provided for contacting the GPS satellite (14) in order to determine the location of the locator unit (18). The location information is provided to the processor (54) and eventually to the central station (12) (column 12, lines 38-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention develop a wireless phone comprising a communication engine, communicatively coupled to a wireless transceiver, capable to receive, from a source, a first message having a first beacon activation command and a beacon engine, communicatively coupled to the communications engine and to the transceiver, capable to transmit a beacon via the transceiver upon receipt of the first message having a beacon activation command, as taught by Beeson, and further require the beacon engine to be capable of embedding location information of the wireless phone into the beacon, as taught by Eagleson, and further comprise a location determining device, as taught by Neher, to enable the wireless phone to determine its location

information and provide that location information to an inquiring source in an emergency situation when the wireless user is unable to operate the wireless phone.

As to **claim 24**, Beeson, Eagleson, and Neher teach everything claimed as applied to claim 22; however, Beeson fails to teach receiving, from a source, a first message have a first beacon activation command and activating a beacon and sending a message having a location information per the command.

Eagleson teaches, as stated previously, in Figure 7, a reader (261), reading on claimed "source," receives a beacon signal (282) comprising word (81), reading on claimed "message," from a beacon tag (271) that receives signpost signals (281) from signpost (241) (column 13, lines 41-43). The beacon signal (282) contains the signpost code of the signpost (241) (column 12, line 46-48) and the reader (261) can determine the current location of the beacon tag (271) since the reader (261) knows the physical location of the signpost (241) and the beacon tag (271) is in the transmission range of signpost (241) (column 13, lines 53-57).

It would have been obvious to one of ordinary skill in the art at the time of invention was made to further require the wireless phone, taught by Beeson, Eagleson, and Neher, to send a message having location information to the sources, also taught by Eagleson, to ensure the location information is efficiently received by the requesting source.

As to **claim 26**, Beeson, Eagleson, and Neher teach everything as applied to claim 22; however, Beeson does not disclose the first beacon activation command includes beacon parameters and wherein the beacon engine transmits the beacon according to the beacon parameters.

Eagleson also teaches a tag command field (43), in word (36) of signpost signal (24), is a 2-bit field which is used to instruct a beacon tag (12) to either turn itself off, on, operate at a



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fast beacon rate, or operate at a slow beacon rate (see column 11, lines 58-67), reading on claimed "beacon parameters."

It would have been obvious to one of ordinary skill in the art at the time invention was made to further require the wireless phone, taught by Beeson, Eagleson, and Neher, to provide the beacon activation command to contain beacon parameters, also taught by Eagleson, to ensure a beacon signal from wireless user requesting emergency assistance can be aided in any various situation.

As to **claim 27**, Beeson, Eagleson, and Neher teach everything as applied to claim 22 and Eagleson teaches everything as applied claim 26; however, Beeson and Neher fail to teach the communications engine is further capable to receive a second message having a second beacon activation command, the second beacon activation command having different parameters than the first beacon activation command, and wherein the beacon engine is further capable to transmit the beacon according to the beacon parameters of the second beacon activation command.

Eagleson further teaches the beacon tag can receive multiple beacon activation commands in succession and each command can possess different parameters (Figures 4 & 5). Eagleson also reveals that the beacon tag can change the parameters of the beacon signal based on the parameters received by the activation command (see column 12, lines 19-22).

It would have been obvious to one of ordinary skill in the art at the time of invention was made to further require the wireless phone, taught by Beeson, Eagleson, and Neher, a first beacon activation command with beacon parameters, as taught by Eagleson, the communications engine is further capable to receive a second message having a second beacon activation command, the second beacon activation command having different parameters than the first beacon activation command, and wherein the beacon engine is further

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capable to transmit the beacon according to the beacon parameters of the second beacon activation command, also taught by Eagleson, to provide the capability of remotely changing the characteristics of a wireless phone's beacon in the instance the wireless user is unable to alter these characteristics.

As to **claim 28**, Beeson, Eagleson, and Neher teach everything as applied to claim 22 and Eagleson teaches everything as applied to claims 26-27; however, Beeson and Neher fail to teach the beacon parameters include beacon power, beacon cadence, and beacon duration.

Egleson further teaches a beacon activation command from within a signpost command that may instruct the beacon tag to adjust the tag's beacon transmit power, frequency, and period (see column 12, lines 19-22). Eagleson provides an example of the varying levels in Figure 4. Examiner has interpreted cadence as frequency and duration as period.

It would have been obvious to one of ordinary skill in the art at the time invention was made to further require the wireless phone, taught by Beeson, Eagleson, and Neher, that accepts a second beacon command with different parameters, as taught by Eagleson, that the beacon parameters include beacon power, beacon cadence, and beacon duration, also taught by Eagleson, to provide the capability of remotely ensuring that the wireless phone's beacon can be optimally received by a requesting user.

As to **claim 29**, Beeson, Eagleson, and Neher teach everything as applied to claim 22; however, Beeson does not teach the beacon engine using default beacon parameters if the beacon activation command does not include parameters.

Egleson also teaches if a beacon tag does not receive a signpost signal or the signal does not contain a command, then the tag by default sends a beacon signal based on default parameters that consist of omitting information normally obtained from a signpost command

(column 7, lines 54-60), reading on claimed "activating uses default beacon parameters if the beacon activation command does not include parameters.

It would have been obvious to one of ordinary skill in the art at the time invention was made to further require the wireless phone, taught by Beeson, Eagleson, and Neher, to use default beacon parameters if the beacon activation command does not include parameters, also taught by Eagleson, to provide a wireless phone to send a beacon signal despite not receiving commands from an beacon activation source.

As to **claim 31**, Beeson, Eagleson, and Neher teach everything as applied in claim 22 and Beeson additionally teaches the wireless phone capable of receiving an emergency beacon activation command which includes a SMS text message (see column 6, lines 1-3 and column 9, lines 1-3), reading on claimed "first message includes a SMS text message.

4. **Claims 4 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Beeson (U.S. 6,038,438) in view of Eagleson (U.S. 6,765,484) and further in view of Siddiqui (U.S. Patent 6,292, 666).

As to **claim 4**, Beeson and Eagleson teach everything as applied to claim 1; however, neither teaches displaying a warning of pending beacon activation.

In an analogous art, Siddiqui discloses a method for displaying a warning indicator along with transmitting distance and country identity, prior to entering neighboring country, when the source indicates to do so via a location update acknowledgement message (column 6, lines 19-23). The location update acknowledgement message is a command sent to a mobile unit (MS 20) including the ability to warn the user of new location and notify the user that a system is communication with the mobile unit.

It would have been obvious to one skilled in the art at the time of invention was made to further require the method, taught by Beeson and Eagleson, to display a warning of pending beacon activation, as taught by Siddiqui, to notify the wireless user that a beacon signal is will be sent to notify emergency authorities of the user's location.

As to **claim 15**, Beeson and Eagleson teach everything as applied to claim 12; however, neither teaches displaying a warning of pending beacon activation.

In an analogous art, Siddiqui discloses a method for displaying a warning indicator along with transmitting distance and country identity, prior to entering neighboring country, when the source indicates to do so via a location update acknowledgement message (column 6, lines 19-23). The location update acknowledgement message is a command sent to a mobile unit (MS 20) including the ability to warn the user of new location and notify the user that a system is communication with the mobile unit.

It would have been obvious to one skilled in the art at the time of invention was made to further require the computer readable medium, taught by Beeson and Eagleson, to display a warning of pending beacon activation, as taught by Siddiqui, to notify the wireless user that a beacon signal is will be sent to notify emergency authorities of the user's location.

5. **Claim 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over Beeson and Eagleson as applied to claim 1 above, and further in view of Brickell (U.S. Patent 5,554,993).

As to **claim 9**, Beeson and Eagleson teach everything as applied to claim 1; however, neither teach a method of, determining whether or not to enter a power save mode; if it is determined to enter the power save mode then turning off a receiver in the wireless phone and activating the beacon per power save beacon parameters.

In an analogous art, Brickell discloses a method of inhibiting the transmission of a homing beacon until the receipt of a activate beacon command (see column 3, lines 37-40), and a step of activating a low power continuous wave beacon (see column 6, lines 15-16 and column 9, lines 51-56).

It would have been obvious to one of ordinary skill in the art at the time invention was made to further require the method, taught by Beeson and Eagleson, to determine whether or not to enter a power save mode; if it is determined to enter the power save mode then turning off a receiver in the wireless phone and activating the beacon per power save beacon parameters, as taught by Brickell, to conserve the wireless phone's power.

6. **Claim 20** is rejected under 35 U.S.C. 103(a) as being unpatentable over Beeson (U.S. 6,038,438) in view of Eagleson (U.S. 6,765,484) and further in view of Haartsen (U.S. 5,870,673).

As to **claim 20**, Beeson and Eagleson teach everything as applied to claim 12 above; however, neither teach a computer-readable medium determining whether or not to enter a power save mode; if it is determined to enter the power save mode then turning off a receiver in the wireless phone and activating the beacon per power save beacon parameters.

In an analogous art, Haartsen discloses a power mode control circuit (58) within a mobile terminal (30) that places the mobile terminal in sleep mode to prohibit communication with a wireless network (see column 11, lines 62-66). Haartsen further teaches placing the power mode control circuit (30) in active mode in response to command from a beacon monitor circuit (56) (see column 12, lines 5-9). Haartsen also teaches that a power mode control circuit could be controlled by a microcontroller (see column 13, lines 31-34).

It would have been obvious to one of ordinary skill in the art at the time invention was made to further require the computer-readable medium, taught by Beeson and Eagleson, to determine whether or not to enter a power save mode; if it is determined to enter the power save mode then turning off a receiver in the wireless phone and activating the beacon per power save beacon parameters, as taught by Haartsen, to conserve the wireless phone's power.

7. **Claim 25** is rejected under 35 U.S.C. 103(a) as being unpatentable over Beeson (U.S. 6,038,438) in view of Eagleson (U.S. 6,765,484) and in view of Neher (U.S. 6,362,778) and further in view of Siddiqui (U.S. Patent 6,292, 666).

As to **claim 25**, Beeson, Eagleson, and Neher teach everything as applied to claim 22; and Beeson teaches a display (48), reading on claimed "interface engine," coupled to the microprocessor (50) (Figure 2); however, neither teach the display further capable to display a warning message of pending beacon activation.

In an analogous art, Siddiqui discloses a method for displaying a warning indicator along with transmitting distance and country identity, prior to entering neighboring country, when the source indicates to do so via a location update acknowledgement message (column 6, lines 19-23). The location update acknowledgement message is a command sent to a mobile unit (MS 20) including the ability to warn the user of new location and notify the user that a system is communication with the mobile unit. Siddiqui's wireless phone (MS 20) also comprises a display interface (202) providing the capability of displaying warning messages to the user.

It would have been obvious to one skilled in the art at the time of invention was made to develop a wireless phone, as taught by Beeson, Eagleson, and Neher and further requiring it to

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display a warning of pending beacon activation, as taught by Siddiqui, to notify the wireless user that a beacon signal is will be sent to notify emergency authorities of the user's location.

8. **Claim 30** is rejected under 35 U.S.C. 103(a) as being unpatentable over Beeson (U.S. 6,038,438) in view of Eagleson (U.S. 6,765,484) and in view of Neher (U.S. 6,362,778) and further in view of Haartsen (U.S. 5,870,673).

As to **claim 30**, Beeson, Eagleson, and Neher teach everything as applied to claim 22 above; however, he does not teach a wireless phone with a beacon engine, determining whether or not to enter a power save mode; if it is determined to enter the power save mode then turning off a receiver in the wireless phone and activating the beacon per power save beacon parameters.

In an analogous art, Haartsen discloses a mobile terminal that posses a power control circuit with the means responsive to a beacon monitoring means, where the power control circuit has the ability to place the mobile terminal in a lower power sleep mode in which the mobile terminal does not communicate with a communications network; thereby conserving power of the mobile unit (see column 11, lines 62-66).

It would have been obvious to one of ordinary skill in the art at the time invention was made to further require the wireless phone with a beacon engine, taught by Beeson, Eagleson, and Neher, to determine whether or not to enter a power save mode; if it is determined to enter the power save mode then turning off a receiver in the wireless phone and activating the beacon per power save beacon parameters, as taught by Haartsen, to conserve the wireless phone's power.

***Response to Arguments***

1. Applicant's arguments filed 09/30/2004 have been fully considered but they are not persuasive. FOR THESE REASONS.

2. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., exact location) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant admits that the signpost code within the word transmitted by the beacon tag in Eagleson (column 7, lines 15-22) indicates that the beacon is within transmission range of the signpost and this provides a rough approximation of the area in which the beacon tag could be (Remarks, page 8, paragraph 5). Applicant claims in claims 1, 11, 12, and 22 embedding "location information into a beacon" in which a signpost code indicating the area, or location, in which the beacon tag is located meets this limitation of the claims.



**Conclusion**

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olivia Marsh whose telephone number is 703-308-4563. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 703-305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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